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Former Newton Doctor Indicted for Prescribing Controlled Substances

Outside the Course of Usual Medical Practice and Related Health Care Fraud

US Attorney's Office

Des Moines —

Dr. Lafayette James Twyner, age 63, of Newton, was arraigned in U.S. District Court for the Southern District of Iowa today on a 114 count-indictment, with charges relating to his alleged unlawful dissemination of controlled substances to patients.

United States Magistrate Judge Celeste F. Bremer scheduled Twyner's trial for the two-week period beginning January 7, 2013, and ordered that he remain released on conditions pending further proceedings.

The indictment, filed Oct. 23, 2012, charges Dr. Twyner with prescribing controlled substances in a manner likely to cause, and that did cause, dependence, addiction, and in one case, death, as well as failing to change his prescribing practices, even after being made aware of obvious signs of patient drug abuse and diversion. Additionally, the indictment alleges he caused various insurance companies to be billed for prescriptions and services that were not for a legitimate medical purpose.

The United States Drug Enforcement Administration (DEA) regulates the distribution of highly-addictive, or controlled, substances. Its regulatory system classifies substances based on their potential for abuse and dependence, their accepted medical use, and their safety for use under medical supervision. Schedule I contains the most dangerous, addictive, and restricted drugs, with Schedule V containing the least, though still dangerous, of the substances in the hierarchical scheme.

Doctors, pharmacists, and other health care professionals with DEA registrations can lawfully dispense controlled substances if they are doing so in the usual course of their professional practices and for a legitimate medical purpose, but act unlawfully when they do things such as knowingly issuing a prescription to someone who is abusing or diverting a drug.

The indictment charges Dr. Twyner with 37 counts of illegally dispensing Schedule II controlled substances, each of which have a maximum possible penalty of 20 years in prison, a \$1,000,000 fine, or both. The indictment charges 69 counts of illegal distributing Schedule III controlled substances, which individually have a maximum possible penalty of 10 years in prison and a \$500,000 fine, or both. The charges include 7 counts of engaging in health care fraud against various insurers related to his prescribing practices, which is punishable by up to 10 years in prison, a \$250,000 fine, or both, per count. Finally, the indictment charges that Dr. Twyner illegally dispensed a Schedule II controlled substance to a patient that resulted in his death, which carries a minimum punishment of not less than 20 years or more than life in jail and a maximum fine of \$1 million. A defendant must pay a \$100 special assessment for each count of which he is convicted to the crime victims' fund.

A search warrant was executed on Tuesday, April 5, 2011, at the location of Urgent Care Clinic in Newton, where Dr. Twyner formerly practiced medicine. Records of the Iowa Board of Pharmacy show Dr. Twyner voluntarily surrendered his registration to prescribe controlled substances on April 12, 2011, which was accepted by the Iowa Board of Pharmacy on April 27, 2011. The Urgent Care Clinic closed one month later, on May 27, 2011. After being charged with unprofessional conduct in January 2012 by the Iowa Board of Medicine related to his dispensing of controlled substances, Dr. Twyner entered into a settlement agreement on July 12, 2012, with the Iowa Board of Medicine in which he agreed to voluntarily surrender his Iowa medical license, and pay a \$10,000 fine.

The federal criminal case is being investigated by the United States Department of Health and Human Services, Office of Inspector General, the United States Drug Enforcement Administration, the Federal Bureau of Investigation, the Jasper County Sheriff's Department, the Jasper County Attorney's Office, the Newton, Iowa, Police Department, and the Mid-Iowa Narcotics Enforcement Task Force. The case is being prosecuted by the United States Attorney's Office for the Southern District of Iowa.

An indictment is merely an accusation, and all defendants are presumed innocent of all charges, unless and until proven guilty.